

WEST VALLEY CITY, UTAH

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING WEST VALLEY CITY TO EXECUTE AN AMENDMENT TO THE COOPERATIVE AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION FOR PROJECT NO. STP-2164(3) REGARDING THE 3600 WEST RECONSTRUCTION PROJECT FROM 3500 SOUTH TO 4100 SOUTH.

WHEREAS, Title 11, Chapter 13, Utah Code Annotated 1953, as amended, entitled “Interlocal Cooperation Act” provides that any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency is authorized by law to perform; and

WHEREAS, the City and the Utah Department of Transportation (“UDOT”) previously entered into a Cooperative Agreement (“Agreement”), dated March 27, 2008 and approved under Resolution No. 08-90; and

WHEREAS, as required by the Agreement, UDOT and the City selected Construction Materials Technology Labs (“CMT”) as the consulting construction engineering firm to provide independent materials testing during construction; and

WHEREAS, after the execution of the Agreement, UDOT, CMT, and the City entered into a separate agreement defining the scope of the services CMT was to provide during construction; and

WHEREAS, during construction, the City asked CMT to perform additional services; and

WHEREAS, because the additional services exceeded the initial scope of services, a written modification to the agreement must be approved before UDOT will release payment for the additional services provided by CMT; and

WHEREAS, an Agreement entitled “UDOT Consultant Services Local Government Contract Modification” has been prepared for execution by and between West Valley City, UDOT and CMT. This Agreement, which is attached hereto, sets forth the rights, duties, and obligations of each of the parties with respect thereto; and

WHEREAS, the City Council of West Valley City, Utah, does hereby determine that it is in the best interest of the health, safety, and welfare of the citizens of West Valley City to enter into the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of West Valley City, Utah, that the Agreement Amendment between the City, UDOT and CMT is hereby approved in substantially the form attached, and that the Mayor is hereby authorized to execute said Agreement for and in behalf of West Valley City, subject to approval of the final form of the Agreement by the City Manager and the City Attorney’s Office.

PASSED, APPROVED and MADE EFFECTIVE this _____ day of _____, 2009.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER